HIGH COURT OF UTTARANCHAL AT NAINITAL

Bail Application No. 712 of 2006

CRIMINAL SIDE

Govind Kumar son of Sri Trilochan Joshi R/o village Junalyal, Patwari circle Banlekh, Tehsil Kanda, District Bageshwar
....Accused/Applicant

Versus

State of Uttaranchal ..... Opposite Party

Case Crime No. 1 of 2006
Under Section 304-B, 498-A I.P.C. & ¾ Dowry Prohibition Act
Patwari Circle Banlekh, District Bageshwar

By the Court

Hon'ble Rajesh Tandon J.

Heard Sri P.S. Adhikari, Sr. Advocate, assisted by Sri B.S. Adhikari, Advocate for the applicant and the A.G.A. for the prosecution.

Accused applicant has applied for bail in case crime No. 1 of 2006 under section 304-B, 498-A I.P.C. & ¾ of Dowry Prohibition Act Patwari Circle, Banlekh, District Bageshwar. F.I.R. has been lodged against the accused on 25.6.2006 alleging therein that the marriage of deceased Hema Joshi was

performed with the accused. After the marriage the family members of the deceased started treating the deceased with cruelty and demanded dowry. The dead body of the deceased found hanging over a tree on 25.6.2006, outside the house of the accused applicant. According to the post mortem report the cause of death was asphyxia due to antimortem hanging.

Counsel for the applicant has submitted that there is no evidence that the accused has ever demanded the dowry and further the deceased was ever treated with cruelty soon before her death. The counsel for the applicant has shown the letters written by the deceased to her husband, which shows that there was no dispute between the parties and the deceased was suffering from some mental ailment.

Counsel for the accused applicant has submitted that the applicant has reported to the village Pradhan regarding missing of Smt. Hema Joshi on 23.6.2006 and after recovery of dead body on 25.6.2006 he immediately informed the Patwari of the circle.

He has further submitted that the allegations made by the father of the deceased against the applicant are after thought and there is no evidence against the accused person for treating the deceased with cruelty or demanding dowry.

Thus in view of the entire facts and circumstances of the case, it is fit case for bail.

Let the accused applicant be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of the Magistrate concerned.

Rajesh Tandon, J.

Dated:24.11.2006
*Dhyani